

REMARKS

Claims 1-5, 7-22, 25-27 remain pending in the application. Claim 1 has been amended to remove the feature that the animal manure solids are present within a litter composition and to further clarify that the animal manure solids are dry animal manure solids. Support for this amendment can be found at least on page 7, lines 20 – 29, of the specification and in Example 3. Claim 25 as been amended to be dependent upon Claim 1. No new matter has been introduced by these amendments.

Rejections under 35 U.S.C. §112

The Office Action has currently rejected Claims 6, 23-25 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. While applicant does not concede the Office Action's position, the cancellation of Claims 6, 23 and 24 and the amendment to Claim 25, as presented herein, obviate the rejection of Claims 6 and 23-25 under 35 U.S.C. §112. Therefore, applicant respectfully request that this rejection be withdrawn.

Rejections under 35 U.S.C. §102(b)

The Office Action has also rejected Claims 1-5, 7-9, 11, and 26-27 under 35 U.S.C. §102(b) as allegedly being anticipated by the disclosure of U.S. Patent No. 3,029,783 (hereinafter "Sawyer"). Applicant respectfully traverses this rejection as set forth below.

Claim 1 of the instant application recites, in part, a method of treating dry animal manure solids, comprising contacting the solids with an effective treatment amount of a treatment composition comprising $\text{AlCl}_3 \cdot n\text{H}_2\text{O}$ or $\text{Al}(\text{NO}_3)_3 \cdot m\text{H}_2\text{O}$. In contrast to the instant claims and contrary to the Examiner's assertion, the disclosure of Sawyer does not disclose a method of treating dry animal manure solids, much less a treatment that comprises contacting the solids with a treatment composition comprising $\text{AlCl}_3 \cdot n\text{H}_2\text{O}$ or $\text{Al}(\text{NO}_3)_3 \cdot m\text{H}_2\text{O}$.

Sawyer discloses how to make an animal bedding or litter material by reacting an inorganic, *i.e.*, kaolin clay, with sulfuric acid or hydrochloric acid and thereby forming aluminum

sulfate or aluminum chloride reaction products, respectively. The word “litter” referred to in Sawyer only refers to the bedding material. To this end, it is apparent that the Office Action does not appreciate that the subject matter of Sawyer differs vastly from the claimed invention. First, as set forth above, Applicant’s method comprises contacting dry animal manure solids with an effective treatment amount of a treatment composition comprising $\text{AlCl}_3 \cdot n\text{H}_2\text{O}$ or $\text{Al}(\text{NO}_3)_3 \cdot m\text{H}_2\text{O}$. Thus, Sawyer’s disclosure of developing a “litter” or bedding material by reacting an inorganic, *i.e.*, kaolin clay, with sulfuric acid or hydrochloric acid from clay is wholly contrary to Applicants claimed invention of treating dry animal manure solids with an aluminum chloride hydrate or an aluminum nitrate hydrate.

Second, and as also set forth above, Applicant’s method comprises treating dry animal manure solids. In contrast, the disclosure of Sawyer is only concerned with developing a litter for use in connection with animal droppings. Significantly, as referred to in Sawyer, the term “droppings” refers to an animal waste product having a liquid or water component. *See*, Col. 1, lines 15-20 and Col. 2, lines 11-20. Thus, notwithstanding the fact that Sawyer only discloses the development of a litter or bedding material, the bedding material of Sawyer is only disclosed for use in connection with an animal waste product having a liquid or water component and is not disclosed for use in connection with dry animal manure solids.

In light of the above differences, not only does Sawyer fail to disclose each and every feature of the claimed invention as required under 35 U.S.C. §102(b), there similarly is no suggestion or motivation in Sawyer to arrive at Applicant’s claimed method. Although not specifically addressed in the Office Action, Applicant therefore submits that it similarly would not be obvious in view of Sawyer for the skilled artisan to arrive at the claimed invention because Sawyer once again only discloses the development of a bedding material for use in connection with an animal waste product having a liquid or water component and is therefore wholly unrelated to Applicant’s method of treating dry animal manure solids.

Therefore, it is respectfully submitted that pending Claims 1-5, 7-22, and 25-27 are in condition for allowance and the current rejections in view of Sawyer should be withdrawn.

Double Patenting Rejections

The Office Action has also rejected Claims 1, 2, 6, 20-21, and 23-25 as allegedly being unpatentable under the judicially created doctrine of obviousness-type double patenting in view of U.S. Patent No. 6,346,240. While Applicant does not concede this rejection, a Terminal Disclaimer executed by each co-assignee of the instant application is submitted herewith for the sole purpose of facilitating prosecution and placing the application in condition for allowance.

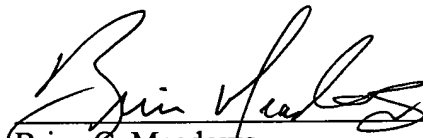
CONCLUSION

In light of the Amendments and Remarks set forth above, the application is believed to be in condition for allowance. Accordingly, Applicant respectfully seeks notification of same.

A Credit Card Payment Form PTO-2038 authorizing payment in the amount of \$1150.00, representing \$1020.00 for the requisite three month extension of time fee and \$130.00 for the requisite terminal disclaimer fee is enclosed. This amount is believed to be correct; however, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

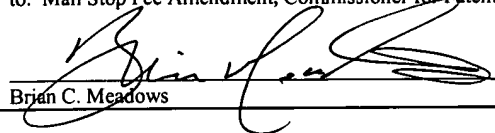
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.


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Date July 13, 2005